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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,905	02/12/2004	Wanrong Lin	9432-000267	6086

27572 7590 07/25/2006

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

TO, JENNIFER N

ART UNIT PAPER NUMBER

2195

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/777,905		LIN ET AL.	
	Examiner		Art Unit	
	Jennifer N. To		2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are pending for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention, appearing to be comprised of software alone without claiming associated computer hardware required for execution, is not supported by either a specific and substantial asserted utility (i.e., transformation of data) or a well established utility (i.e., a practical application).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. ("ConNexus Awarenex: Extending awareness to mobile users", Sun Inc., 2001, pages 221-228).
7. Tang was cited in the previous office action.
8. As per claim 1, Tang teaches a system for automated dissemination of presence and availability (abstract), comprising:
 - a schedule publication element configured to acquire schedule information associated with a plurality of users (fig. 1; page 222, The ConNexus User Interface Design section, awareness cues ...);
 - a schedule management element configured to receive schedule information from said schedule publication element (fig. 1; page 222, sub-section contact list);
 - a schedule distribution element receptive of said integrate schedule information from said schedule management element and being responsive to said schedule to subscribing element to maintain a data store identifying those subscribers to receive notifications regarding presence and availability information and to effect the dissemination of presence and availability to said subscribers, wherein said schedule distribution element effects the dissemination of the presence and availability to said subscribers by distributing scheduling information according to at least two different modes, wherein one of the modes more restrictively distributes the schedule information

than another of the modes (fig. 2; page 222, sub-section Contact toolbar; page 224, Preliminary Use Experience With A Working Prototype section).

Tang did not specifically teach storage system configured to store integrated schedule information based on said received schedule information.

9. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to store the contact list information of Tang's system on a storage place in order for the users or subscribers searching for contact information as needed. Therefore, one would be motivated to use Tang's system for providing awareness cues to help people find opportune times to initiate contact (Tang, page 222, The ConNexus User Interface Design section).

10. As per claim 2, Tang teaches of IM (page 222, Project ConNexus: Awareness For The Desktop section).

11. As per claim 3, Tang teaches of the human interface through which user inputs schedule information (figs 1-2).

12. As per claim 4, Tang teaches of schedule publication element is adapted to obtain schedule information from calendar service (page 222, sub-section The Contact Tool Bar).

13. As per claims 5-6, Tang teaches schedule management element communicating with said schedule distribution element using a push/pull interface where by information retrieved from said storage system is automatically sent to said schedule distribution element (page 222, sub-section The Contact Tool Bar; page 223, Providing More Awareness in IM Text Chat section).

14. As per claim 7, Tang teaches of calendar of the user which is open mode and makes the entire schedule available (page 224, Preliminary Use Experience With A Working Prototype section).

15. As per claim 8, Tang teaches updating user's schedule (page 222, sub-section contact list).

16. As per claim 9, Tang teaches schedule distribution element controls the dissemination of presence and availability information in a sliding-window mode whereby a predefined portion of a user's schedule is made available to subscribers (fig. 2).

17. As per claims 10-11, Tang teaches predefined portion is defined by a sliding window measured from the present time until a predetermined period of time thereafter (page 225, sub-section Contact Locator).

18. As per claims 12-14, Tang teaches distribution element is configured to send notification to subscribers of schedule change information when said sliding window encounters status changes in the user's schedule (fig. 7).

19. As per claim 15, tang teaches the schedule subscribing element communicates with said schedule distribution element to negotiate whether to accept a subscription request (page 223, Providing More Awareness in IM Text Chat section).

20. As per claim 16, Tang teaches the schedule distribution element controls whether to accept a subscription request (page 223, Providing More Awareness in IM Text Chat section).

21. As per claim 17, Tang teaches the subscription request identifies preferences associated with a given subscriber that mediate how information is disseminated to that subscriber (page 222, sub-section Contact Toolbar).

22. As per claim 18, Tang teaches the preferences are stored in said data store identifying those subscribers who have registered to receive notifications (page 222, sub-section Contact Toolbar, the relevant communication resource).

23. As per claim 19, Tang teaches schedule distribution element is configured to selectively accept a subscription request even if the identified preferences are not met (page 223, Providing More Awareness in IM Text Chat section).

24. As per claim 20, Tang teaches at least some of said elements are interactive with one another via network communication (page 224, The User Interface Design section).

25. As per claim 21, Tang teaches at least some of said elements are interactive with one another via programming interfaces (pages 222, sub-section Contact Toolbar).

26. As per claims 22-25, they are rejected for the same reason as claims 7-17 above.

Response to Arguments

27. Applicant's arguments filed 04/19/2006 have been fully considered but they are not persuasive.

28. In the remark, applicant argued that Tang fails to teaches distribute schedule information to at least two different modes, wherein one of the modes more restrictively distributes the schedule information than another of the modes.

29. Examiner disagreed with the argument that Tang fails to teaches distribute schedule information to at least two different modes, wherein one of the modes more restrictively distributes the schedule information than another of the modes (see the rejection above, paragraph 8).

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in PTO 892.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.


32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer N. To
Examiner
Art Unit 2195



MENG-ALT T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100